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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,629	10/04/2001	David Peterson	11305.8US01	1391

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EXAMINER

DUNN, DAVID R

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 03/14/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/970,629

Applicant(s)

PETERSON, DAVID

Examiner

David Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 2/13/02 is acknowledged. See enclosed IDS form.

Drawings

2. The corrected or substitute drawings were received on 2/13/02.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "590" (as recited on page 6). Note "590" is not shown on the drawings filed 2/13/02. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: on page 7, line 4, "Other preferred Preferably" appears to be a typographical error.

Appropriate correction is required.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: with respect to claim 11, the specification does not describe the material of the bearing of the central portion of the antisway bar; the specification only describes the material of the bearings of the end portions of the bar.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the bearings". (Note the plurality of bearings). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allison (2,961,253) in view of Applicant's Admitted Prior Art.

Allison shows an antisway bar (20) with a first and second mounting arrangement (Figure 4), where the mountings are at the top portion of the kingpin (18; see Figures 1 and 12). Allison shows a frame mounting bracket (22) having an opening therethrough along an axial-direction of the frame mounting bracket and the central portion of the antisway bar being rotatably secured through the opening. The mounting arrangement includes a housing, or bearing (35).

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Applicant's Admitted Prior Art (Figures 1 and 2) show a suspension arrangement with an airbag (170) mounted above the kingpin (160). The Prior Art shows a mounting arrangement (172) being a lower airbag mounting bracket with a first and second plates (see Figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Allison with the teachings of the Admitted Prior Art in order to provide an airbag above the kingpin in order to improve the suspension and handling of the vehicle. In such an arrangement the mounting of the antisway bar is between the kingpin and the airbag. With respect to claims 14-17, the combination as described above would be able to perform the method as claimed.

With respect to claims 8 and 11, the examiner takes Official Notice that the use of ultra-high molecular weight polyethylene is old and well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the bearings of polyethylene in order to provide a high strength yet light weight material.

With respect to claims 5 and 12, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the antisway bar of any diameter as necessary such as 1.5 inches as changes in size require only routine skill in the art. In re Rose, 105 USPQ 137.

With respect to claim 13, the examiner takes Official Notice that the use of 50,000 tensile strength mild steel is old and well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the antisway bar of this material in order provide a high strength, low cost bar.

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Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nishino shows a antisway bar of interest. Stuart shows a stabilizer bar mounted below an airbag. McHorse et al. shows an elevated antisway bar. Umeda, Schmitz et al., and Peras also show antisway bar arrangements of interest.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 703-305-0049. The examiner can normally be reached on Mon-Thur, alt. Fridays, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.


David Dunn 3/10/03
Examiner
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